

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

**JIVI A. FORTUNO, MICHAEL J.
LAMBERT, and HEIDI M. PARSONS,**

Plaintiffs,

vs.

**YPL ENTERPRISE, LLC d/b/a Q
Korean Steakhouse and YEN PO LIU,**

Defendants.

Civil Action No. 1:21-cv-2217-SCJ

STATUS REPORT

Pursuant to the Court's *sua sponte* Order of September 13, 2022 [Dkt. 35],

Plaintiffs file the following status report, showing the Court as follows:

1. Earlier in this FLSA litigation, Plaintiffs filed a Clerk's Notice of Default, but requested limited discovery to aid in the calculation of damages prior to filing of an anticipated motion for default judgment.
2. After Plaintiff's moved for contempt during that limited discovery, Defendant's counsel contacted Plaintiffs' counsel and expressed a desire to reach a settlement.

3. The Parties communicated in good faith and Defendants have provided numerous documents to Plaintiffs needed to calculate damages (and a settlement offer).
4. The damages calculations in this case are unusually complex for a small FLSA minimum wage action, but Plaintiffs' counsel are diligently attempting to finalize damages calculations and extend a formal settlement offer to Defendants.
5. Plaintiffs believe that in no more than three weeks, they should be able to conclude settlement negotiations and either (1) file a joint motion for settlement approval or (2) file a motion for default judgment.
6. At this point, Plaintiffs believe that no additional formal discovery is necessary.
7. Plaintiffs therefore respectfully request three additional weeks—through and including October 11, 2022—to either (1) file a motion for approval of settlement, or (2) file a motion for default judgment.
8. A proposed order reflecting the same is attached for the Court's convenience.

This 19th day of September 2022,

Respectfully submitted,

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FITZPATRICK & BENJAMIN, LLC**

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CERTIFICATE OF SERVICE

Pursuant to L.R. 26.3(a), I hereby certify that I have this day caused to be served a copy of the foregoing document on Defendants via their counsel, Lu Wang, Esq., Wang & Associates, P.C., luwang@wa-law.net

Dated: September 19, 2022

s/ Matthew W. Herrington
Matthew W. Herrington
Georgia Bar No. 275411